

PATENT  
450117-04802

## **REMARKS**

Reconsideration and withdrawal of the rejections of this application and consideration and entry of this paper are respectfully requested in view of the herein remarks, which place the application in condition for allowance.

### **I. STATUS OF CLAIMS AND FORMAL MATTERS**

At the outset, the applicants wish to express their appreciation for the Examiner's notification of allowable subject matter (claims 17-21 and 16 if re-written in independent form) which is consistent with the PTO's goals of compact prosecution and providing excellent customer service.

With the cancellation of claims 3, 11 and 23, claims 1, 2, 4-10 and 12-22 are now pending in this application. The applicants reserve the right to pursue the subject of cancelled claims 3, 11 and 23 in a continuing application. No new matter has been added by this amendment.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. THE 35 U.S.C. 112, 2<sup>nd</sup> PARAGRAPH REJECTIONS HAVE BEEN OVERCOME**

The cancellation of claims 3, 11 and 23 renders these rejections moot. Claim 7 was rejected for using a trademark or trade name. In response, chemical figures have been inserted into claim 7, 15 and 22 which further identifies the nature of the trademark/tradename.

### **III. THE OBJECTION TO THE SPECIFICATION HAVE BEEN OVERCOME**

With regard to page 7, lines 25-26, the applicants would like to address the Examiner's concerns but the Examiner has not explained the reasoning or basis that the sentence cannot be understood. Lines 25-26 define the term "dopant" and MPEP 2111.01, section III states in part that "[a]n applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994)." Given this liberal

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standard for defining terms in the specification, it is the Examiner's burden to clearly state on the record his rationale that lines 25-26 cannot be understood by one of ordinary skill in the art.

The naming of the dopant "13FPHPIP" is intended to be consistent throughout the specification and claims and the typographical error on pages 10 and 17 have been corrected (Please also note that the formula for FMor2 was also corrected to be consistent with their art recognized trademark/tradename).

A header for the "Brief Description of the Drawings" has been inserted as requested by the Examiner.

The reference to claim numbers on page 5, lines 23-25 have been deleted and replaced with text similar to the originally filed claims.

#### **IV. THE 35 U.S.C. 102(b) REJECTION HAS BEEN OVERCOME**

Claims 1-6, 8-10 and 12-14 were rejected as allegedly being anticipated by Bucher et al. (U.S. Patent 3,963,638 - "Bucher"). The rejection is traversed for the following reasons.

MPEP 2131 states in part that "A claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)" **AND** that "The identical invention *must be shown in as complete detail as is contained in the...claim.*" see *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d, 1913, 1920 (Fed. Cir. 1989) - (emphasis added). The Bucher reference fails to meet this standard for anticipation.

Bucher discloses a nematic liquid crystalline compound having a negative dielectric anisotropy and an organic salt which is soluble in a composition. The soluble salt will dissociate into a cationic part and an anionic part. The cation of the dissociated salt has a general structure  $(R'')_nN^+$  (see col. 4, line 10) and the anionic part of the salt has the structure  $RX^-$ . Therefore, the dopant of Bucher comprises of two components, one being an anion carrying a negative charge and a cation carrying a positive charge and as such is *entirely different* from the soluble, *dipolar dopant* which is part of a liquid crystal material of the presently claimed invention.

The term "dipolar" is clearly described on page 7, line 30 through page 8, line 4 of the applicants' specification and defines a substance which has a *permanent or inducible dipole moment*. Furthermore, it is defined that a dipole moment is introduced into a molecule if it

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contains substituents which result in charge separation. Accordingly, a dipolar dopant has within *one molecule* an area with increased electron density, i.e. a positively charged area.

Therefore, the applicants' dipolar dopant is entirely different from a salt in solution wherein in solution the negatively charged part dissociates and separates from the positively charged part. The organic salts of Bucher does not represent a single molecule as in the applicants' claimed invention and are not dipolar dopants within the meaning of the applicants' claimed invention. Since Bucher lacks an element of the applicants claimed invention (and by definition does not show the identical invention in as complete a detail as in the applicants' claims), the applicants' claims are not anticipated by the Bucher reference.

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**REQUEST FOR INTERVIEW**

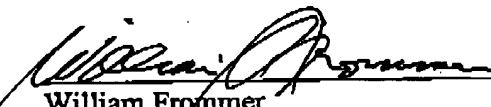
In the interest of adhering to the tenets of compact prosecution and obtaining good customer service (see page 7 of the FY-2004 Performance and Accountability Report), the applicants request that the teachings of MPEP 707.07(j), sections II and III be applied, especially with regard to the offer of suggestion for correction by the Examiner if the rejections are upheld.

In accordance with MPEP 713.01, section III, should any issue remain as an impediment to allowance, an interview with the Examiner and SPE are respectfully requested; and, the Examiner is additionally requested to contact the undersigned to arrange a mutually convenient time and manner for such an interview ("An interview should normally be arranged for in advance, as by letter, facsimile, electronic mail, telegram or telephone call, in order to insure that the primary examiner and/or the examiner in charge of the application will be present in the office." *Id.*).

**CONCLUSION**

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,  
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